<u>REMARKS/ARGUMENTS</u>:

The final Office Action dated June 1, 2007 rejected claims 1-11, 13-17, 20-21, 23, 25-34, 36-41 and 44-45 under 35 USC 102(b) as anticipated by Berezowski (US 2002/0016971); and further rejected claims 46, 48 and 50 under 35 USC 103(a) over the combination of Berezowski with Awada (US 2004/0088588).

The above listing of claims amends only the preamble of method claim 10 and hand-portable device claim 25. The comments below apply equally regardless of whether or not these preambles are amended, so entry of this amendment is respectfully requested since no further search is necessary.

As detailed in the Interview Summary submitted with the Amendment dated March 6, 2007, it was previously agreed that the amendments to independent claims 1, 10, 20, 33 and 41 (as submitted in that March 6th Amendment) recited a causation between access or display of data and a data security mechanism such as a password protection. It was this distinction that overcame the previous rejections over references to Muratov and Kobayashi. The newly cited reference Berezowski is not seen to disclose such a causation as has been previously agreed the claims now recite.

Consider independent method claim 1, which recites in relevant respects:

> a) storing a plurality of data assemblages in the hand portable device ;
> b) displaying in the hand portable device a first data assemblage;
> c) in response to step b), automatically restricting subsequent display in the hand portable device of the first data assemblage using a first security mechanism;

Similar elements are recited in independent method claim 10. It is *subsequent* display of the data assemblage that is restricted, and that restriction is *automatically* in response to displaying the first data assemblage at step b). Berezowski appears to use a simple and well-known password protection regimen for parental lockout of certain stored video from the display of Berezowski's personal video recording system. At [0093], a user (e.g., a parent) is provided with suitable parental controls or lock-out features, and upon selection of parental control link 1116 the user is provided the ability to lock certain stored video and audio information. This is a specific and positive user entry to enable the lock-out

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feature for specific user-selected stored video, and nowhere does Berezowski disclose that the lockout feature takes effect only after a first display of the locked out video or audio information. To the contrary, Berezowski is quite explicit in disclosing exactly the opposite: "In circumstances where stored video and audio information is password protected, the first frame nor the first several frames of the stored video *may not be displayed*, for example, in portion 1112. The stored video may also *not be displayed*, for example, in portion 1112. The associated audio may also *not be audible*." ([0093], emphasis added). Berezowski therefore fails to disclose element c) of claims 1 or 10, in that the password restriction of Berezowski is not automatic in response to a display of data. Independent device claims 25 and 33 recite for apparatus the same substantive distinction detailed above.

Independent method claim 20 recites in relevant part:

> storing at least one data attribute for each data assemblage, the data
> attribute indicative of first display of the data assemblage in the device

The rejection relies upon the Berezowski stored information being either password protected or not, because the office action asserts 'locking' against the following element of claim 20 which recites changing the data attribute. But this fails to anticipate claim 20 because, even if one considers 'password-locked' or 'password-unlocked' as data attributes of Berezowski's stored information, there is no disclosure or teaching in Berezowski that informs one that 'password-locked' or 'password-unlocked' is indicative of a first display of that information. A parent may impose the password on stored video information by date, time, camera, or any combination thereof [0093]. These are independent of any first display of the stored video information. One may impose the password requirement before a video segment is ever displayed, or after it is displayed any arbitrary number of times (and in Berenowski one would only know the number of times by manually counting them), because the password lock feature arises entirely from a direct and specific user input to enable that feature for a particularly selected stored video or common source of videos. For at least that reason claim 20 is seen to be novel over Berezowski. Independent device claim 41 recites for apparatus the same substantive distinction detailed above for claim 20.

Further, Berezowski is not seen to store and display at a hand portable device as in independent claims 1, 10, 33 and 41. To this element the final office action appears to cite to a video camera at [0042] of Berezowski. But that video camera is an auxiliary device that provides at least some of the information that is stored and displayed at Berezowski's personal video recording system 100. Neither the password feature nor the display at which that password feature may be enabled and the video information viewed (Figs. 11A-B) are on the video camera, but rather are part of Berezowski's user television equipment 130. That Berezowski's video camera 152 may be interfaced to and become at least temporarily a part of the user television equipment as in Fig. 1 does not convert the user television equipment 130 to a hand portable device, but that is what the rejection appears to suggest. Claims 1, 10, 33 and 41 distinguish over Berezowski on this second ground also.

Similarly, claim 25 distinguishes in that it recites access control means arranged to detect access to the first data assemblage, which is stored in a memory of the hand portable device. If the hand portable device is anticipated by Berezowski's video camera, then anticipation of this claim would require further that the video camera has some access control means arranged to detect access of a video segment stored on that same video camera. Berezowski uses the video camera to transfer content to the personal video recording system 100 (Fig. 4), which as detailed above is where Berezowski imposes the password feature and views the video (Fig. 11B), so claim 25 is novel on this second ground also.

While Berezowski's video camera may create the video, for the reasons stated above with respect to claim 25, then dependent claims 9, 32 and 40 must be patentable over Berezowski. The video information is viewed and the password feature is enabled (Fig. 11A-B) at Berezowski's user television equipment, not at the video camera itself. To the potential rejoinder that the video camera may be interfaced to the user television equipment, once one does so the combination is no longer a hand portable device as in claims 1, 25 and 33 from which claims 9, 32 and 40 depend.

The addition of or modification by Awada's teachings are not seen to cure the above shortfalls of the anticipation rejections, and so each and every independent claim is seen to

be patentable over all art made of record. The Applicants respectfully request reconsideration of those new rejections, and allowance of all pending claims. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

Respectfully submitted:

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